

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE ARMANDO AYALA ALVARADO, :
Petitioner, : CIVIL ACTION NO. 3:17-CV-1738
v. : (JUDGE CONABOY)
CRAIG A. LOWE, WARDEN, : (Magistrate Judge Arbuckle)
Respondent. :

FILED
SCRANTON

SEP - 4 2018

PER KTC
DEPUTY CLERK

ORDER

AND NOW, THIS 4th DAY OF SEPTEMBER 2018, IT

APPEARING TO THE COURT THAT:

1. Petitioner was an alien incarcerated at the Pike County Correctional Facility, Lords Valley, Pennsylvania, when he filed this action pursuant to 28 U.S.C. § 2241 on September 26, 2017 (Doc. 1);

2. The matter was assigned to United States Magistrate Judge William I. Arbuckle who issued a Report and Recommendation (Doc. 9) on August 10, 2018, recommending that the instant petition be dismissed as moot (*id.* at 3);

3. No objections were filed to the Magistrate Judge's Report and Recommendation and the time for doing so has passed.

IT FURTHER APPEARING TO THE COURT THAT:

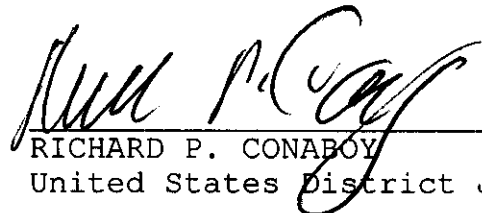
1. When a magistrate judge makes a finding or ruling on a motion or issue, his determination should become that of the court unless objections are filed. See *Thomas v. Arn*, 474 U.S. 150-53

(1985). Moreover, when no objections are filed, the district court is required only to review the record for "clear error" prior to accepting a magistrate judge's recommendation. See *Cruz v. Chater*, 990 F. Supp. 375-78 (M.D. Pa. 1998); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998).

2. We find no clear error in the Magistrate Judge's conclusion that Petitioner's removal from the United States moots his request for relief from custody (Doc. 9 at 3). Magistrate Judge Arbuckle notes the Notice of Suggestion of Mootness filed by Respondent indicates that Petitioner was removed from the United States on February 7, 2018. (Id. at 1-2 (citing Doc. 8).)

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Magistrate as modified;
2. The Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED AS MOOT**;
3. There is no basis for the issuance of a certificate of appealability in the Court of Appeals for the Third Circuit;
4. The Clerk of Court is directed to close this case.



RICHARD P. CONABOY
United States District Judge